

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 649 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NARHARIPRASAD KANTILAL VYAS

Versus

UNION OF INDIA

Appearance:

MR PB MAJMUDAR for Petitioner

MR JT TRIVEDI for Respondent

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 07/05/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Mr.J.T.Trivedi,
learned Advocate appearing for the respondent.

2. The petitioner has filed this revision
Application against the Judgment and order dated 6.2.1997
rendered by the trial Court (Ahmedabad Small Causes
Court) below Ex.8 in Misc. Civil Application No.1089 of

1996, which has been confirmed by the Appellate Bench of the said Court in Appeal From Order No.27 of 1997.

3. After some amount of submissions the parties have filed consent terms. The petitioner has signed the consent terms. He is present in the court. He admits the same. Mr.P.B.Majmudar, learned Advocate for the petitioner has also signed the consent terms. Mr.J.T.Trivedi, learned Advocate appearing for the respondent has signed the consent terms with authority to compromise on behalf of the respondent. He also admits the same.

4. According to the consent terms as aforesaid, the petitioner landlord will allow the respondent tenant to have water connection from the ground floor from the existing tank and for that purpose the electric connection with electric motor and pump is to be placed and the petitioner landlord will give 50 % cost for such electric connection, however, the respondent bank has to pay electric bills regularly. It has also been agreed between the parties that respondent - tenant will be allowed to put overhead syntex tank above the sanitary blocks at the cost of the respondent bank and such work will be completed within two months from today, connecting the ground floor tank and the syntex type tank. It has then been agreed between the parties that if the respondent - tenant wants to have additional water connection separately from the Ahmedabad Municipal Corporation the petitioner - landlord will give no objection for the same and the petitioner landlord will also be allowed to use the said water facility in case of necessity. However, no fresh water tank will be allowed to be constructed for the purpose of respondent - tenant. It is lastly agreed between the parties that no fresh rights are created in favour of respondent - tenant in any manner and the aforesaid consent terms have been agreed between the parties without prejudice to the rights and contentions in H.R.P. Suit No. 954 of 1996 filed by the petitioner - landlord in the Ahmedabad Small Causes Court and the respondent - tenant will not claim any new rights on the basis of aforesaid consent terms.

5. It has finally been agreed between the parties that respondent - tenant will have to withdraw Misc. Civil Application No.1089 of 1996 pending in the trial Court.

6. The aforesaid consent terms are directed to replace the orders impugned in this petition. Rule made absolute accordingly.

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